

REMARKS

We note that we had previously submitted a Preliminary Amendment when this application was filed. Apparently this was overlooked and the Examiner examined the original unamended claims. We enclose herewith a copy of the previously filed Preliminary Amendment dated January 14, 2004 and ask the Examiner to enter these amendments before entering the amendments presented in this response.

We have amended the claims to address the Examiner's §112 concerns and to more particularly point out and distinctly claim the invention. After entering the amendments presented in the Preliminary Amendment and then the amendments presented here, claims 1-57 will be pending in this application.

The Examiner rejected claims 1-6, 35-39, 48, 58-62 and 71 under 35 U.S.C. §102(b) as anticipated by EP 0 994 480 A1 to Okada.

The independent claims that are pending in this application are claims 1, 35 and 49. We note that each of these claims recites "producing, or at least emulating, scrolling image data". Okada does not disclose or suggest a method in which scrolling image data is produced or emulated, and therefore for at least this reason, Okada does not anticipate these claims. The examiner appears to believe otherwise and points to paragraphs 0068-0113 in support. But we could find nothing on those passages that either refer to a set of explicitly realized AV assets or to a set of scrolling image data (or to a plurality of scrolling video images, as now recited).

We also submit that claims 1, 35 and 48 each distinguish over Okada for the following additional reason. A problem addressed by of the present invention, as described in, for example, the passage from paragraph [0010] to paragraph [0012], is that conventional DVD products are unable to emulate or produce scrolling in a manner similar to that produced by computers. There is nothing in Okada that leads to the conclusion that the teachings therein would be useful in addressing this problem. The problem addressed by Okada, as described in, for example, the passage from paragraph [0035] to paragraph [0037] is management of the presence, on a single optical disc, of multimedia streams of many different formats. This is very different to the above described problem addressed by the present invention. Furthermore, Okada does not contain any suggestion that the latter problem, or indeed *any* problem exists with

conventional DVD products. The skilled person would not therefore consider applying the teachings of Okada to the problem of producing or emulating scrolling in DVD products.

We also submit that, even if the skilled person would consider applying the teachings of Okada to the problem of producing or emulating scrolling in DVD products, it is not obvious how the teachings of Okada could be applied to this problem.

The Examiner provisionally rejected claims 1-6, 35-39, and 48 under 35 U.S.C. §101 as claiming the same invention as that of claims 1-6, 35-39, and 48 of copending Application No. 10/757,191.

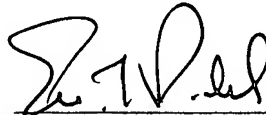
We firstly note that, in his analysis of novelty, the Examiner has included the feature of "testing the audiovisual product" in claim 1 of the present application. However, this feature is not present in claim 1, either as filed or as now amended. Furthermore, all claims of the present application relate to emulating or producing scrolling image data and do not relate to testing of an audiovisual product. In contrast, the claims of 10/757,191 application relate to testing of an audiovisual product, but do not relate to emulating or producing scrolling image data. The inventions are therefore different and distinct; the claims are not directed to the same inventions.

For the reasons stated above, we believe that the claims are in condition for allowance and therefore ask the Examiner to allow them to issue.

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Respectfully submitted,

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